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*To improve the golden moment of opportunity
and to catch the good that is within our reach, is
the great art of life.*

— Samuel Johnson

FUTURE OF FREEDOM

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The Future of Freedom Foundation is a nonprofit educational foundation whose mission is to advance liberty and the libertarian philosophy by providing an uncompromising moral, philosophical, and economic case for individual liberty, free markets, private property, and limited government.

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The U.S. Executions of Charles Horman and Frank Teruggi, Part 4

by *Jacob G. Hornberger*



During the 1960s, the U.S. government became obsessed with a man named Salvador Allende, a physician who had entered politics in Chile and repeatedly ran for president. Since Allende's political and economic philosophy was communism, U.S. officials were determined to prevent his election as president. As Henry Kissinger, head of the U.S. National Security Council, put it, "I don't see why we need to stand by and watch a country go communist due to the irresponsibility of its people. The issues are much too important for the Chilean voters to be left to decide for themselves."

Of course, it was during the 1960s that the U.S. government failed to oust Cuba's communist dictator-

president, Fidel Castro, through a brutal embargo, a U.S.-sponsored invasion at the Bay of Pigs, repeated assassination attempts on him, and terrorist strikes in Cuba.

That was also the decade in which the U.S. government invaded Vietnam under the rationale of fighting communism and preventing the "dominoes" from falling to the communists.

It was the decade when the U.S. national-security establishment was spying on Americans who opposed the war, advocated socialistic ideas, opposed the embargo on Cuba, protested U.S. imperialism, and supported civil rights for minorities.

The prospect of an Allende presidency terrified U.S. officials, not because he was seen as a Soviet puppet — he clearly wasn't — but simply because of his leftist philosophy. During the Cold War the anti-communist mindset that guided the national-security state likened socialism and communism to deadly contagious infections that could easily sweep across Latin America and ultimately reach the United States.

So the U.S. national-security establishment was charged with preventing Allende from being elected president. The CIA was put in charge of the secret operation.

The result was one of the most shocking political episodes in the history of both Chile and the United States.

American officials were determined to prevent Allende from serving his term.

During the 1960s, when Allende was running for president, the CIA secretly became one of the most dominant and powerful political forces in Chile, primarily through the distribution and expenditure of millions of dollars to support political candidates and parties and to publish political propaganda, all with the aim of defeating Allende at the polls.

Coup preparations

While the CIA was successful in preventing Allende's victory during the 1960s, the agency's efforts came to naught in the election of 1970. In a three-way race for president, Allende placed first, albeit with only a plurality, not a majority, of votes. Under the Chilean constitution, the election would be thrown into the Chilean congress.

U.S. officials immediately sprang into action with a two-track scheme. They spent millions of dollars to bribe members of Chile's congress

not to vote for Allende, and they explored the possibility of a military coup to prevent Allende from taking office.

Neither scheme worked. Chile's congress had a long democratic tradition of choosing whoever received the most votes in the election. It did so this time — indeed, Allende's two opponents endorsed him. The military coup failed primarily because the head of the Chilean military, Gen. Rene Schneider, steadfastly maintained it would continue to support Chile's constitution, even if members of the military disapproved of the election of a communist as president.

Allende's election in 1970, however, did not deter U.S. officials from pursuing their goal. Fearing that democratic socialism might spread throughout Latin America and ultimately reach the United States, American officials were determined to prevent Allende from serving his term.

So the CIA was charged with planning a military coup to destroy Chile's long-time democratic system, oust Allende from power, and install a military dictatorship in his stead.

The first obstacle was Schneider, who wouldn't even discuss the matter with U.S. officials. He obviously had to be removed before a coup

could be planned and carried out. So the CIA conspired with pro-coup Chilean military officials to kidnap him. The CIA smuggled high-powered weapons into the country to enable the kidnapers to threaten deadly force if Schneider resisted.

Schneider, however, was armed during the kidnapping attempt, chose to defend himself, and was fatally shot.

Perjury was good and honorable when national-security secrets, including kidnapping and murder, were protected.

Needless to say, the CIA's role in the kidnapping and murder was kept top secret, especially given that the acts were considered matters of national security. Later it came out that the CIA had paid thousands of dollars in hush money to one of its Chilean conspirators after Schneider's assassination.

When CIA Director Richard Helms was questioned under oath at a congressional hearing on CIA involvement in Chile's 1970 presidential election, he denied everything. He lied, and when his deception was later uncovered, he was indicted for perjury. Since the perjury involved an operation relating

to national security, however, Helms was permitted to plead no-contest to a misdemeanor and was given a token fine.

One fascinating aspect of Helms's conviction was the reaction of CIA agents. After his sentencing, Helms announced that he would proudly wear his criminal conviction as a badge of honor. When he returned to CIA headquarters, the agents threw a party and collected money for the fine. Clearly, for Helms and the CIA, perjury was good and honorable when national-security secrets, including kidnapping and murder, were protected.

Unfortunately for U.S. officials, Schneider's replacement as head of the Chilean army was Gen. Carlos Prats, who took the same pro-democracy position. Prats made it clear that the military would continue to defend the constitution and not engage in an illegal and unconstitutional military coup.

He was later pressured into resigning, and Allende replaced him with a general named Augusto Pinochet, who led Allende to believe that he was as loyal to the constitution as Schneider and Prats had been.

Meanwhile, the CIA continued to promote the conditions necessary for a coup by fomenting economic chaos and encouraging the military.

“Make the economy scream”

Soon after his election Allende began implementing his socialist agenda, which mirrored much of what Franklin Roosevelt had done during his welfare-state revolution in the United States during the 1930s. For example, Allende raised the minimum wage, provided state-financed health care for the poor, and gave milk to the nation’s children. Just as Roosevelt had confiscated Americans’ gold coins, Allende nationalized the copper industry and other businesses, many of which were owned by big and powerful U.S. corporations.

Early on, economic conditions appeared positive, as they often do in the early stages of a state’s confiscation and redistribution of people’s wealth. Before long, however, the economy went into a tailspin as a result of Allende’s policies.

Unfortunately, however, Allende’s policies were not all that pushed Chile into chaos. The U.S. government provided the other side of the vise that squeezed the Chilean people, much as the U.S. embargo did in Cuba.

In fact, as part of his plan to provoke a coup, Richard Nixon ordered the CIA to “make the economy scream.” To accomplish that, the CIA did everything it could to foment economic distress in the

country, including bribing Chilean truckers to strike to prevent food from reaching the people.

U.S. officials did everything they could to prevent U.S. firms from trading with Chile.

U.S. officials also ensured that foreign credit would be denied Chile, placing Allende’s regime in difficult financial straits, especially considering the large foreign debt incurred by his predecessor.

Additionally, U.S. officials did everything they could to prevent U.S. firms from trading with Chile, which produced distress among the many firms whose equipment depended on parts from the United States.

With one big exception, U.S. foreign aid, which had flooded to the Chilean government before Allende, was drastically reduced. The exception? U.S. military aid to Chile. It continued to flood directly into the coffers of the military, nurturing the Chilean national-security establishment’s loyalty, trust, dependency, and cooperation towards the U.S. national-security establishment.

As part of the U.S. coup planning, thousands of Chilean military personnel were invited to attend

training sessions in the United States and Panama, where the U.S. Army's infamous School of the Americas was based. That's the school that taught torture techniques, among other things. It goes without saying that during those training sessions, close relationships were built between American and Chilean military officials.

Thousands of Chilean military personnel were invited to attend training sessions in the United States and Panama.

According to notes written by General Prats, as reported in Hugh O'Shaughnessy's book *Pinochet: The Politics of Torture*, Chilean military officials were taught at the School of the Americas that it was the moral and legal duty of a country's national-security establishment to oust a president when his policies posed a grave threat to national security.

Think about that. U.S. national-security-state officials were saying that a constitution is not a suicide pact. If, in the view of the national-security establishment, citizens elect the wrong man president, a man whose policies are destroying the country, it is the solemn duty of the military and intelligence forces

to violate the constitution and save the country by ousting the president.

That's precisely what happened on September 11, 1973. The Chilean military, led by commander Augusto Pinochet, launched a violent coup against the democratically elected president, Salvador Allende. That led to an orgy of kidnapping, rape, torture, incarceration, and execution of tens of thousands of innocent people — that is, people whose worst “crime” was believing in socialism or communism.

The partner in this endeavor — the U.S. government — stood silently by, not daring to object in a serious way to what was happening as part of the global war on communism. After all, by 1973 the handwriting was on the wall that South Vietnam was likely to fall to the communists, notwithstanding the deaths of more than 58,000 American soldiers and more than a million Vietnamese. Yet here was Pinochet's army rounding up, torturing, raping, kidnapping, and executing tens of thousands of communists and socialists, and hardly suffering casualties.

It was in that context that two American citizens, Charles Horman and Frank Teruggi, lost their lives at the hands of their own gov-

ernment and the Chilean military dictatorship under Gen. Augusto Pinochet.

Jacob Hornberger is founder and president of The Future of Freedom Foundation.

NEXT MONTH:

“The U.S. Executions of Charles Horman and Frank Teruggi,

Part 5”

by Jacob G. Hornberger

Nothing is more fertile in prodigies than the art of being free; but there is nothing more arduous than the apprenticeship of liberty.... Liberty is generally established with difficulty in the midst of storms; it is perfected by civil discords; and its benefits cannot be appreciated until it is already old.... The advantages that freedom brings are shown only by the lapse of time, and it is always easy to mistake the cause in which they originate.

— Alexis de Tocqueville

Leonard P. Liggio (1933–2014)

by Sheldon Richman



I lost one of my favorite teachers in October, as did so many other libertarians, not to mention the freedom movement as a whole. Leonard P. Liggio, 81, died after a period of declining health. Leonard was a major influence on my worldview during the nearly 40 years I knew him. While I had not seen him much in recent years, I have a hard time picturing the world — and the noble struggle for liberty — without him. He was one of my constants.

Leonard was not my teacher in the formal sense. I never got to take any of his classes. But like many libertarians of my generation and beyond, I learned so much from him through occasional lectures and especially conversations.

Since the early 1950s, before he had reached the age of 20, Leonard was a scholar and activist for individual liberty, the free-market order, and the voluntary network of social cooperation we call civil society. (He was in Youth for Taft in 1952, when the noninterventionist Sen. Robert Taft unsuccessfully sought the Republican presidential nomination. See Leonard's autobiographical essay in *I Chose Liberty: Autobiographies of Contemporary Libertarians*, edited by Walter Block.)

In his long career, Leonard was associated with the Volker Fund (a pioneering classical-liberal organization), the Institute for Humane Studies, Liberty Fund, the Cato Institute, and finally, the Atlas Network. He was also on the faculty of several universities, including George Mason Law School, after doing graduate work in law and history at various institutions.

Leonard studied with Ludwig von Mises and a long list of eminent historians. He knew the founders of the modern libertarian movement: F.A. Harper, Leonard Read, Pierre Goodrich, Ayn Rand, and more. He was an early member of the Mont Pelerin Society, founded by F.A. Hayek, and eventually president of the organization. As a young man he became close friends with Mur-

ray Rothbard, Ralph Raico, George Reisman, Ronald Hamowy, Robert Hessen, and others who made up their Circle Bastiat. He literally was present at the creation of the movement and helped to make it what it would become.

I believe I originally met Leonard in 1978, at the first Cato Institute summer seminar at Wake Forest University. (I was a newspaper reporter in those days.) However, I may have been introduced to him the year before in San Francisco. That was the year Cato was founded. Leonard was an original staff member and editor of its unfortunately short-lived journal, *Literature of Liberty*.

Leonard could generate a long bibliography on virtually any topic in the humane studies at the drop of a hat.

I remember Leonard's lectures at the Cato seminar very well. Among other things, he lectured on the history of Western imperialism. This left a permanent impression on me. I recall that he explained that the imperialists in Africa compelled indigenous individuals to work in the mines by requiring payment of taxes in a currency obtainable only by doing such work. His insights on

imperialism and war — and the long-standing classical-liberal opposition to those horrors — account for my passion for these subjects.

I saw Leonard on and off over the next several years as I held various libertarian-movement jobs with the Council for a Competitive Economy, the late *Inquiry* magazine, and Citizens for a Sound Economy. But my contact with him increased dramatically in 1985 when I went to work for the Institute for Humane Studies, where he also worked. That was the year IHS, led by John Blundell (who, alas, also died this year), moved from Menlo Park, California, to George Mason University in Fairfax, Virginia. Now I was in a position to talk to Leonard nearly every day (though he traveled often). What an opportunity!

One thing you learned about Leonard right away was that he could generate a long bibliography on virtually any topic in the humane studies at the drop of a hat. He was incredibly multidisciplinary. You knew to bring a notebook with you when asking him for reading suggestions. I had many occasions to seek his guidance when working on research projects, such as my papers on the noninterventionist Old Right and U.S. intervention in the Middle East, which would have

been much tougher to write without his help. (I dedicated the latter paper to Leonard, among others.)

He was unfailingly generous with his time and deep knowledge of history and political thought. You didn't have to know Leonard for long to appreciate his encyclopedic mind, which astounded even seasoned scholars. I still marvel at his ability to read, assimilate, and integrate prodigious amounts of information, not just about history, but also law, legal institutions, philosophy, political theory, contemporary politics, and so much more.

One thing that made it easy for him to reach people of diverse persuasions was his unmistakable kindness.

During these years Leonard was a regular at an informal Monday-night dinner gathering known as the Clarendon Club, which was held at an excellent Vietnamese restaurant in the Little Saigon section of Arlington, Virginia, near Washington, D.C. I recall those weekly get-togethers fondly because the conversations about politics, history, philosophy, religion, and whatnot were such joyful occasions and I learned so much. Other regulars included Jeff Tucker, Roy Cordato, Joe

Sobran, Tom Bethell, Yuri Maltsev, and Phil Nicolaidis, with occasional visits from Pat Buchanan and Tony Snow. Good friends, good talk, good food: who could ask for more!

A thousand-year vision

Leonard had the remarkable ability to find common ground with diverse people. He was a radical libertarian devoted to individualism, free markets, and peace. He was a sworn enemy of tyranny, imperialism, and war. But he could overcome ideological disagreements with others by finding those areas in which they believed in human dignity and freedom. He was welcome in New Left circles during the Vietnam War (he participated in Bertrand Russell's War Crimes Tribunal on Vietnam in 1971) and some years later at the conservative Heritage Foundation and Philadelphia Society. The key to his success was his ability to show the connections among mercantilism, imperialism, regulation of business, welfare, and government spending, inflation, and debt.

One thing that made it easy for him to reach people of diverse persuasions was his unmistakable kindness. You could see it in his eyes and in his smile. Leonard was the quintessential gentleman and

scholar. When he explained some controversial point in his soft but clear voice, you couldn't help but listen. He was a natural teacher, a wonderful storyteller, which a good historian ought to be.

Leonard had few rivals when it came to the number of young libertarians he advised.

His role in building the modern global libertarian movement may be unappreciated by many friends of freedom because he was so unostentatious. But he is beloved by libertarians throughout the world for his indefatigable efforts. Leonard had few rivals when it came to the number of young libertarians he advised as they embarked on their intellectual careers. He knew the value of networking, and he developed that craft to perfection.

Leonard's approach to activism set an example for us all. Brian Doherty, whose *Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement* discusses Liggio's role, put it well in *Reason*:

Liggio had, as one admiring student of his once told me, a vast thousand-year vision of the slow spread of liberalism

across the globe, one that allowed him to contemplate both past and present with equanimity, neither despairing for liberty's future nor being unrealistically enthusiastic about its imminent victory. He was the man I met and was impressed by in 1988: inspired and inspiring but calm and steady in the promotion of these ideas, and the organizing and aiding of students and intellectuals who wanted to understand and promote them better.

He was truly unique, the soft-spoken radical who could talk to anyone.

What is even less appreciated about Leonard is his written work. He never wrote a book solo, but he co-wrote the first volumes in Rothbard's multivolume series *Conceived in Liberty* and he contributed many articles and book reviews to many publications, including *Left and Right: A Journal of Libertarian Thought*, a mid-1960s publication that he founded with Rothbard; *Libertarian Forum*, a later newsletter edited by Rothbard; *Radical History Review*; *The Journal of Libertarian Studies*; and *The Libertarian Review*.

You can get a sense of Leonard's intellectual interests by surveying the titles of his articles: "English Origins of Early American Racism," "Isolationism, Old and New," "Early Anti-Imperialism," "Palefaces or Redskins: A Profile of Americans," "Massacres in Vietnam," "Your Right to Be Against War," "Charles Dunoyer and French Classical Liberalism" (a discussion of pre-Marx classical-liberal theory of class conflict), "Felix Morley and the Commonwealthman Tradition: The Country-Party, Centralization and the American Empire," "Why the Futile Crusade?" (a favorable and wide-ranging review of Sidney Lens's book *The Futile Crusade: Anti-Communism As American Credo*), "Oil and American Foreign Policy," and "Richard Cantillon and the French Economists." (Many of these are online.)

I acknowledge that this is an inadequate tribute to Leonard Liggio, but I cannot find the words to do him justice. So I'll end with the words Benjamin Tucker used to close his obituary to his friend and teacher, Lysander Spooner, "Our Nestor Taken from Us":

I am at the end of my space, and have not said half that I had in mind. It would be easy to [go on and on]. But I must not do it, I need not do it. Does not his work speak for him as I cannot? It is ours, my readers, to continue that work as he began it. And we shall not have rendered him his full reward of praise unless it shall be said of us, when we in turn lay down our arms and lives, that we fought as good a fight as he and kept the faith as he did.

Sheldon Richman is vice president of The Future of Freedom Foundation, editor of Future of Freedom, and author of Tethered Citizens: Time to Repeal the Welfare State and two other books published by FFF. Visit his blog, "Free Association," at www.sheldonrichman.com.

NEXT MONTH:
**"Unjust Immigration Law
Is Not Law"**
by Sheldon Richman

Forgotten Civil War Atrocities Bred More Carnage

by James Bovard



George Orwell wrote in 1945 that “the nationalist not only does not disapprove of atrocities committed by his own side, but he has a remarkable capacity for not even hearing about them.” The same moral myopia has carried over to most Americans’ understanding of the Civil War. While popular historians have recently canonized the war as a practically holy crusade to free the slaves, in reality civilians were intentionally targeted and brutalized in the final year of the war.

The most dramatic forgotten atrocity in the Civil War occurred 150 years ago when Union Gen. Philip Sheridan unleashed a hundred-mile swath of flames in the

Shenandoah Valley that left vast numbers of women and children tottering towards starvation. Unfortunately, the burning of the Shenandoah Valley has been largely forgotten, foreshadowing how subsequent brutal military operations would also vanish into the Memory Hole.

In August 1864, supreme Union commander Ulysses S. Grant ordered Sheridan to “do all the damage to railroads and crops you can.... If the war is to last another year, we want the Shenandoah Valley to remain a barren waste.” Grant said that Sheridan’s troops should “eat out Virginia clear and clean as far as they go, so that crows flying over it for the balance of the season will have to carry their provender with them.” Sheridan set to the task with vehemence, declaring that “the people must be left nothing but their eyes to weep with over the war” and promised that when he was finished, the valley “from Winchester to Staunton will have but little in it for man or beast.”

Because people lived in a state that had seceded from the Union, Sheridan acted as if they had automatically forfeited their property, if not their lives. Along an almost 100-mile stretch the sky was blackened with smoke as his troops burned crops, barns, mills and homes.

War against civilians

Some Union soldiers were aghast at their marching orders. A Pennsylvania cavalryman lamented at the end of the fiery spree, “We burnt some sixty houses and all most of the barns, hay, grain and corn in the shocks for fifty miles [south of] Strasburg.... It was a hard-looking sight to see the women and children turned out of doors at this season of the year.” An Ohio major wrote in his diary that the burning “does not seem real soldierly work. We ought to enlist a force of scoundrels for such work.” A newspaper correspondent embedded with Sheridan’s army reported, “Hundreds of nearly starving people are going North ... not half the inhabitants of the valley can subsist on it in its present condition.”

After one of Sheridan’s favorite aides was shot by Confederate soldiers, Sheridan ordered his troops to burn all houses within a five-mile radius. After many outlying houses had been torched, the small town at the center — Dayton — was spared after a federal officer disobeyed Sheridan’s order. The homes and barns of Mennonites — a peaceful sect that opposed slavery and secession — were especially hard hit by that crackdown, according to a 1909 history of Mennonites in America.

By the end of Sheridan’s campaign the former “breadbasket of the Confederacy” could no longer even feed the women and children remaining there. In his three-volume Civil War history, Shelby Foote noted that an English traveler in 1865 “found the Valley standing empty as a moor.” The population of Warren County, Virginia, where I grew up, fell by 11 percent during the 1860s thanks in part to Sheridan’s depredations.

The former “breadbasket of the Confederacy” could no longer even feed the women and children remaining there.

Historian Walter Fleming, in his classic 1919 study, *The Sequel to Appomattox*, quoted one bedeviled local farmer: “From Harper’s Ferry to New Market, which is about eighty miles, the country was almost a desert.... The barns were all burned; chimneys standing without houses, and houses standing without roof, or door, or window.” John Heatwole, author of *The Burning: Sheridan’s Devastation of the Shenandoah Valley* (1998), concluded, “The civilian population of the Valley was affected to a greater extent than was the populace of any other region during the war, including those in

the path of Sherman's infamous march to the sea in Georgia."

Unfortunately, given the chaos of the era at the end of the Civil War and its immediate aftermath, there are no reliable statistics on the number of women, children, and other civilians who perished thanks to "the burning."

Sherman telegraphed Washington that "there is a class of people who must be killed or banished before you can hope for peace and order."

Abraham Lincoln congratulated Sheridan in a letter on Oct. 22, 1864: "With great pleasure I tender to you and your brave army the thanks of the nation and my own personal admiration and gratitude for the month's operation in the Shenandoah Valley." The year before, in his Gettysburg Address, Lincoln had justified the Civil War to preserve a "government by consent." But, as Massachusetts abolitionist Lysander Spooner retorted, "The only idea ... ever manifested as to what is a government of consent, is this — that it is one to which everybody must consent, or be shot."

Some defenders of the Union military tactics insist that there was no intent to harshly punish civil-

ians. But, after three years of a bloody stalemate, the Lincoln administration had adapted a total-war mindset to scourge the South into submission. As Sheridan was finishing his fiery campaign, Gen. William Sherman wrote to Grant that "until we can repopulate Georgia, it is useless to occupy it, but the utter destruction of its roads, houses, and people will cripple their military resources." Sherman had previously telegraphed Washington that "there is a class of people — men, women, and children — who must be killed or banished before you can hope for peace and order." Lincoln also congratulated Sherman for a campaign that sowed devastation far and wide.

The carnage inflicted by Sheridan, Sherman, and other northern commanders made the South's postwar recovery far slower and multiplied the misery of both white and black survivors. Connecticut College professor Jim Downs's recent book, *Sick from Freedom*, exposes how the chaotic situation during and after the war contributed to the deaths of hundreds of thousands of freed slaves.

Afterward

Ironically, a war that stemmed in large part from the blunders and

follies of politicians on both sides of the Potomac resulted in a vast expansion of the political class's presumption of power. An 1875 *American Law Review* article noted, "The late war left the average American politician with a powerful desire to acquire property from other people without paying for it." The sea change was clear even before the war ended. Sherman had telegraphed the War Department in 1863, "The United States has the right, and ... the ... power, to penetrate to every part of the national domain. We will remove and destroy every obstacle — if need be, take every life, every acre of land, every particle of property, everything that to us seems proper." Lincoln liked Sherman's letter so much that he declared that it should be published.

After the Civil War, politicians and many historians consecrated the conflict and its grisly tactics were consigned to oblivion. The habit of sweeping abusive policies under the rug also permeated post-Civil War policy towards the Indians (Sheridan famously declared that "the only good Indian is a dead Indian") and the suppression of Filipino insurgents after the Spanish-American War. Later historians sometimes downplayed U.S. mili-

tary tactics in World War II that killed vast numbers of German and Japanese civilians.

The habit of sweeping abusive policies under the rug also permeated post-Civil War policy towards the Indians.

The same pattern is repeating with the Vietnam War. The Pentagon is launching a major effort to commemorate its 50th anniversary — an effort that is being widely denounced as a whitewash. The *New York Times* noted that the Pentagon's official website on the war "referred to the 1968 My Lai massacre, in which American troops killed hundreds of Vietnamese civilians, as the My Lai Incident." That particular line was amended but the website will definitely not be including the verdict of David Hackworth, a retired colonel and the most decorated officer in the Army: "Vietnam was an atrocity from the get-go.... There were hundreds of My Lais. You got your card punched by the numbers of bodies you counted."

The failure to recognize how wars routinely spawn pervasive brutality and collateral deaths lowers Americans' resistance to new conflicts that promise to make the

world safe for democracy, or rid the world of evil, or achieve other lofty-sounding goals. For instance, the Obama administration sold its bombing of Libya as a self-evident triumph of good over a vile despot; instead, chaos reigns. As the administration ramps up bombing in Syria and Iraq, both its rhetoric and its tactics echo prior U.S. misfires. The proclaimed intentions of U.S. bombing campaigns are far more important than their accuracy. And the presumption of collective guilt of everyone in a geographical area exonerates current military leaders the same way it exonerated Sheridan's 1864 torching of Mennonite homes.

Since 1864, no prudent American should have expected this na-

tion's wars to have happy or uplifting endings. Unfortunately, as long as the spotlight is kept off atrocities, most citizens will continue to underestimate the odds that wars will spawn debacles and injustices that return to haunt us.

James Bovard serves as policy adviser to The Future of Freedom Foundation and is the author of a new ebook memoir, Public Policy Hooligan, as well as Attention Deficit Democracy and eight other books.

NEXT MONTH:
**“Obamacare Racketeering and
Intellectual Knavery”**
by James Bovard

The reason why men enter into society is the preservation of their property.

— John Locke

The Root of Support for the Drug War

by Laurence M. Vance



Although many states have legalized the use of marijuana for medical purposes, some states have decriminalized the possession of certain amounts of marijuana, and four states (Alaska, Colorado, Oregon, and Washington) have legalized the recreational use of marijuana, bipartisan support for the drug war throughout the United States continues unabated and unquestioned.

Why?

Why do so many Americans think that the property of other Americans should be confiscated, and that some of their fellow Americans should be fined, arrested, put on probation, subject to no-knock SWAT team raids, be treated as criminals, or locked in a cage for growing, manufacturing, process-

ing, buying, selling, distributing, “trafficking in,” using, or possessing some substance the government doesn’t approve of?

Why do so many Americans support a war on drugs that

- unnecessarily makes criminals out of otherwise law-abiding Americans, clogs the judicial system with noncrimes, and expands the prison population with nonviolent offenders;
- violates the Constitution, the principle of federalism, and increases the size and scope of government;
- has utterly failed to prevent drug use, reduce drug abuse, or end drug overdoses;
- fosters violence, corrupts law enforcement, and militarizes the police;
- hinders legitimate pain management, hampers the treatment of debilitating diseases, and turns doctors into criminals;
- destroys personal and financial privacy, and negates personal responsibility and accountability;
- has been unsuccessful in keeping drugs out of the hands of addicts, teenagers, and convicts;
- assaults individual liberty, private property, and the free market; or
- wastes billions of taxpayer dollars and has financial and hu-

man costs that far exceed any of its supposed benefits?

I see a number of reasons that Americans in general support a government war on the mind-altering and mood-altering substances we refer to as drugs.

The decision to use drugs should be an ethical, medical, or moral decision, not a political decision.

For some the reason is history. As far as many Americans are concerned, drugs have always been illegal and should therefore always remain so. It is simply unthinkable that it should be any other way. Yet, for the first half of our nation's history there were no prohibitions against anyone's possessing or using any drug.

For some the reason is society. The use of marijuana — for medical reasons or not — is still viewed negatively. And of course the use of other drugs such as cocaine, LSD, and heroin is disparaged even more. There is almost universal support for the drug war among all facets of society: engineers, teachers, preachers, physicians, clerks, accountants, secretaries, and housewives. But, of course, it doesn't follow that because a majority of society supports something the power of govern-

ment should be used against those who don't.

For some the reason is political. The war on drugs enjoys widespread bipartisan support. Liberals, conservatives, Democrats, Republicans, moderates, populists, progressives, centrists, Tea Partiers — they all generally support government prohibition of certain drugs. The drug war is never an issue in any congressional primary or general election. As long as their party or their political group supports the drug war, most Americans will follow suit. The decision to use drugs should be an ethical, religious, medical, or moral decision, not a political decision.

For some the reason is religion. Support for the drug war can be found across the religious spectrum, encompassing Christians and Jews, Protestants and Catholics, liberals and conservatives, fundamentalists and progressives, and Trinitarians and Unitarians. Yet, there is no ethical precept in any religion that should lead anyone to believe that it is the job of government to prohibit, prevent, regulate, restrict, or otherwise control any substance that any adult desires to ingest of his own free will.

For some the reason is morality. Because, some assert, it is immoral

to alter one's mind or mood with illegal drugs, the government should ban the use of these substances. Do drug warriors likewise believe that it is immoral to alter one's mind or mood with alcohol? If not, then they are woefully inconsistent in their proscription; if so, then they are woefully inconsistent in their prescription.

Dangers and vices

For some the reason is safety. Because it can be dangerous to use illicit drugs, some think the government should ban them. Yet there is no question that smoking marijuana is less dangerous than drinking alcohol. Alcohol abuse is a factor in many drownings; home, pedestrian, car, and boating accidents; and fires. How many drug warriors propose that the government ban alcohol? There are plenty of things that are much more dangerous than using illicit drugs: skydiving, bungee jumping, coal mining, boxing, mountain climbing, cliff diving, drag racing — even crossing the street at a busy intersection. According to the *Journal of Forensic Sciences*, there are more than 28,000 chainsaw-related injuries annually in the United States. Shouldn't governments across the country declare war on chainsaws?

For some the reason is vice. Using drugs is said to be a vice like gambling, profanity, drunkenness, using pornography, and prostitution. But as only the latter is actually banned outright by the government, arguments for government action against select drugs are extremely weak. And what about the vices of pride, envy, wrath, sloth, avarice, gluttony, and lust? Why don't drug warriors advocate government action against them? Vices in 2014 are still as the 19th-century political philosopher Lysander Spooner explained:

Vices are those acts by which a man harms himself or his property. Crimes are those acts by which one man harms the person or property of another. Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice toward others, and no interference with their persons or property.

What about the vices of pride,
envy, wrath, sloth, avarice,
gluttony, and lust?

For some the reason is health. The use of mind-altering and mood-

altering substances is said to be unhealthy. The federal government classifies marijuana as a Schedule I drug with “no currently accepted medical use in treatment in the United States.” But even if drugs such as marijuana don’t provide benefits for certain diseases and medical conditions, they are certainly not nearly as deadly as the drugs administered by physicians that kill thousands of Americans every year, the drugs that cause thousands of hospital patients every year to have adverse reactions, and nonsteroidal anti-inflammatory drugs such as aspirin that kill thousands every year. The most unhealthy drug is alcohol, which is a contributing factor in many cases of cancer, mental illness, fetal abnormalities, and cirrhosis of the liver. Alcohol abuse is one of the leading causes of premature deaths in the United States. There is no question that smoking marijuana is less dangerous than smoking tobacco. Common sense would dictate that it is tobacco that should be banned, not marijuana. And of course, the greatest health threat Americans face is obesity, not illegal drugs.

For some the reason is addiction. Certain drugs should be illegal, we are told, because they are addictive. The federal government

says that marijuana “has a high potential for abuse.” But is that because it is addictive or because some people just want to get high? Legal drugs prescribed by physicians are certainly just as addictive as any drugs that are illegal. And of course, pornography, smoking, gambling, sex, shopping, and eating can be addictive. Drug warriors are very selective about which addictive behaviors deserve government action.

**The greatest health threat
Americans face is obesity, not
illegal drugs.**

For some the reason is irrationality. Although every bad thing that could be said about drugs could also be said about alcohol, some drug warriors hold the irrational belief that drugs are just different from alcohol. Why? Because they just are.

For all, the reason is government. I believe the root of support for the drug war is simply this: trust in government. Unnecessary, irrational, and naive trust in government.

What’s so disturbing is that nowhere does the Constitution authorize the federal government to intrude itself into the personal eating, drinking, or smoking habits of

Americans or concern itself with the nature and quantity of any substance Americans want to ingest. The Constitution is supposed to be the foundation of American government. The federal government is not supposed to have the authority to do anything unless it is included in the limited, enumerated powers granted to it in the Constitution. Yet some of the ardent enthusiasts of the Constitution are some of the most rabid drug warriors.

The war on drugs is a war on individual liberty, private property, limited government, the Constitution, American taxpayers, personal responsibility, the free market, and

a free society that has ruined more lives than drugs themselves.

Every facet of government that contributes in some way to the monstrous evil that is the war on drugs should be dismembered, root and branch, and cast to the four winds.

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The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.

— Thomas Jefferson

Uniting Constitutional Protection for Economic and Social Liberties, Part 3: Can the Ninth Amendment Save Us?

by Steven Horwitz



In part 2 of this series (December), I argued that unenumerated noneconomic rights such as those of parents or the right to marry are generally considered “fundamental rights” under the approach libertarian legal scholar Randy Barnett labels “Footnote Four-Plus.” That is, the rights of parents are nowhere enumerated in the Constitution including the Bill of Rights, but are nonetheless protected as fundamental by the long tradition of recognizing them as implicit in the Due Process Clause of the Fourteenth Amendment.

Strictly speaking, they are not among those rights that Footnote Four alone would protect given that they are unenumerated. But faced with the pre-*Carolene* precedents of *Meyer* and *Pierce* that still made sense as good law, even as economic liberties that had once been protected by the same clause were seen to be no longer worthy of protection, the Court had to find a way to continue to offer such protection. The solution, interestingly enough, has been to define them as “fundamental” and to do so under the idea of “substantive due process” without much of a blink in the face of the rejection of that doctrine in other areas.

Put differently, it is something of a mystery that *Meyer* and *Pierce* remain good constitutional law and serve as the binding precedent for later parental rights cases and cases involving the right to marry and the right to engage in consensual sexual behavior (such as *Loving v. Virginia* and *Lawrence v. Texas*). Faced with the Footnote Four approach, the Court in *Griswold* felt it necessary to cram the square peg of privacy into the round hole of a Bill of Rights that never mentions such a right in order to avoid two unpalatable alternatives. The first was to find such a right in the Fourteenth

Amendment, arguing that a right to privacy had the same standing as the right to marry or parental rights under the Due Process Clause. That alternative was very likely rejected for fear of a return to *Lochner*, and no Court wanted to go there.

Relying on the Ninth Amendment can resolve a number of the constitutional puzzles.

The second alternative open to the *Griswold* Court was the approach in Justice Arthur Goldberg's concurrence: make use of the Ninth Amendment. As Barnett's book *Restoring the Lost Constitution* argues, taking a second look at the Ninth Amendment's explicit discussion of unenumerated rights provides us with a way to both undo the damage to the Constitution's protection of economic rights done by the post–New Deal courts and to find a way to protect unenumerated rights that does not rely on the Court's having to pass judgment on the very contentious issue of which unenumerated rights are fundamental and which are not. Relying on the Ninth Amendment can resolve a number of the constitutional puzzles in which the parental-rights cases play a curious role. It also offers a way to reconcile the econom-

ic liberties and personal liberties cases under one conceptual umbrella, and one that is actually *in the text of the Constitution*.

The Ninth Amendment

The text of the Ninth Amendment is straightforward enough: “The enumeration in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.” As Barnett argues, the historical context of the amendment was a concern that a bill of rights that specified certain rights that people had might be interpreted as an exhaustive list. Many present at the drafting of the Bill of Rights wanted to avoid that interpretation and make it clear that just because they had listed a whole series of rights in what are now the first eight amendments, later generations should not take that list as exhaustive. The people “retained” a whole variety of rights that they had before entering into the constitutional “contract” that gave certain specified powers to government. Barnett argues that the historical context out of which that argument rose was one in which people were believed to possess certain natural rights prior to the creation of a constitution and government. Even as they agreed to

institute a government for the purpose of enforcing those rights, they did not give up those rights to the state. Rather, they accepted limits on those rights necessary for the limited powers of government, but “retained” all of the other rights they possessed previously. As Barnett sees it, the Ninth Amendment just confirms that view.

The importance of unenumerated rights is clear every time debates erupt over whether a certain right is “in” the Constitution.

The importance of unenumerated rights is clear every time debates erupt over whether a certain right is “in” the Constitution. This is certainly obvious in the debate over whether a “right to privacy,” which is not explicitly stated in the Constitution, can really be said to exist. The same could be said of the recent decision in *Lawrence v. Texas* (2003), which was read by Justice Antonin Scalia as finding a “right to sodomy,” which appears nowhere in the Constitution. Barnett’s view of the Ninth Amendment gets around those problems by pointing out that it provides a textual location for unenumerated rights. Yes, there’s no explicit right to privacy in the document, but that is equally

true of any of a million individual “rights” that one could list. The whole point of the Ninth Amendment is to respond to that argument by shifting the burden of proof: the courts should approach constitutional interpretation with what Barnett calls a “presumption of liberty” and expect the state to show where the powers it wishes to exercise are explicitly granted, or “necessary and proper.”

Historically, that was never better articulated by the Court than in Justice Goldberg’s concurring opinion in *Griswold*. He there makes the case for grounding the right to marital privacy and the consequent right to purchase contraceptives in just this sort of reading of the Ninth Amendment. After explaining both the history of the amendment and the Court’s earlier protection of the right to marry and raise children in *Meyer and Pierce*, he makes the case for using the Ninth Amendment to ground those rights:

Although the Constitution does not speak in so many words of the right of privacy in marriage, I cannot believe that it offers these fundamental rights no protection. The fact that no particular provision of the Constitution ex-

PLICITLY forbids the State from disrupting the traditional relation of the family — a relation as old and as fundamental as our entire civilization — surely does not show that the Government was meant to have the power to do so. Rather, as the Ninth Amendment expressly recognizes, there are fundamental personal rights such as this one, which are protected from abridgment by the Government, though not specifically mentioned in the Constitution.

Goldberg still frames the discussion in terms of those “fundamental” rights the Court has decided to protect, but he also notes earlier in his concurrence that such rights must come from a broad social and historical understanding of our institutions, rather than the personal preferences of judges.

His concurrence and the larger intellectual framework provided by Barnett provide a way to ground parental rights in the Constitution in a manner consistent with both the unenumerated noneconomic rights currently protected by the Due Process Clause of the Fifth and Fourteenth Amendments in some cases and by the “emanations and

penumbras” of the Bill of Rights in others. Uniting all of these unenumerated rights in the language of the Ninth Amendment would have three salutary effects:

Although Meyer and Pierce are now known as “parental rights” cases, they were just as much about freedom of contract.

First, it would provide a ground in the actual text of the Constitution for the idea that unenumerated rights are deserving of constitutional protection. That might have the consequence of avoiding the charge that judges are inventing constitutional language that does not exist in the text.

Second, it would bring all of these rights into an intellectually consistent framework rather than picking and choosing which part of the Constitution applies in which case.

Third, it could provide a framework, as Barnett argues, for reestablishing the existence of constitutionally protected, yet unenumerated, economic rights and liberties. Bringing all unenumerated rights under the Ninth Amendment would solidify each by the presence of the others.

And, to close the circle, it should come as no surprise that we can

find a way to link up the jurisprudence underlying those personal liberties with economic liberties. Although *Meyer* and *Pierce* are now known as “parental rights” cases, they were just as much about freedom of contract. In both cases, the fundamental issue was whether parents could contract with schools to provide their children the education they thought appropriate. Yes, it’s about the right of parents to raise their kids as they see fit, but the means to that end was the right of contract, which is why they were seen as extensions of *Lochner*. The same could be said of the right to marry as well as, in an implicit way, the consent at the core of sexual relationships. Cases such as *Meyer* and *Pierce*, which are still considered good law, demonstrate the unity of economic and personal liberties.

The core of libertarianism is the right to create the voluntary associations we wish to, so long as they do not harm others. That right is not explicitly in the Constitution, but as Barnett and others have argued, the presumption of liberty is the intellectual backdrop for the whole document. And that’s precisely why the Ninth Amendment is there — to confirm that those rights belong to individuals even if they are not specified in the text and no matter what area of human interaction to which they apply.

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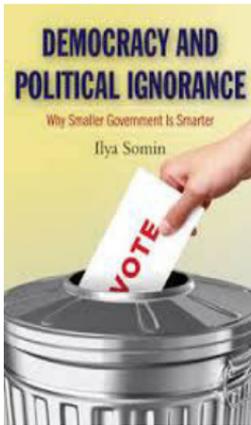
Nothing that the agents of Communism have done or can do to this country is so dangerous to the United States as what they have induced us to do to ourselves.

— Alan Barth

Why Doesn't Democracy Work?

by David D'Amato

Democracy and Political Ignorance: Why Smaller Government Is Smarter by Ilya Somin (Stanford University Press 2013), 280 pages.



In *Democracy and Political Ignorance*, law professor Ilya Somin looks down into the apparently fathomless depth of voter ignorance and concludes that dividing and decentralizing the power of the federal government can alleviate many of the ills attending such ignorance. Somin begins by asking whether we ought to care about political ignorance — indeed, whether we are justified in caring. He acknowledges early on that, for the

vast majority of us, disregarding practical politics and its questions is actually a kind of “rational ignorance,” a condition in which the costs of acquiring political knowledge far outweigh the meager, even negligible, significance of any one vote. It simply makes sense to sit Election Day out entirely. Ordinary citizens just lack the incentives to pay close attention to the issues. But Somin argues that, rational or not, all of this pervasive ignorance about politics is something that ought to concern us as citizens of an ostensibly democratic polity. In support of his claim that we are justified in “worry[ing] about political ignorance and advocat[ing] measures to reduce its impact,” Somin observes the “public goods’ problems” associated with voter ignorance, scenarios where “rational individual behavior ... leads to potentially dangerous collective outcomes.” Analogizing environmental pollution to contamination of the political atmosphere, Somin points out that serious incentive problems may justify some active intervention into the mechanisms of voting.

Given those concerns, Somin argues, tweaking of the political system is not just an instance of unlibertarian paternalism, but is instead a

means of shielding legitimate individual prerogatives. Among the premises of Somin's thesis is the contention that public opinion affects policymaking in important ways, that how ordinary voters think actually does matter. That premise implicates public choice theory, a tradition originating with economists such as James Buchanan and aiming to (paraphrasing Buchanan) excise the romance from the way we think about the motivations of political actors.

Special-interest fascism

In a book that dealt with many of the themes Somin grapples with (*The Myth of the Rational Voter*), economist Bryan Caplan also discussed the dangers to democracy posed by political ignorance: "According to Classical Public Choice, voter ignorance transforms politics from a puzzling anomaly into a textbook example of the explanatory power of information economics. Voter ignorance opens the door to severe government failure. Interest groups — not to mention bureaucrats and politicians themselves — walk straight in." Pitted against and compared with the knowledge and savvy of elites, ordinary citizens are vulnerable. The political process becomes not an

expression of the public will, but an instrument of special interests.

Related to that view, in his 1983 paper "A Theory of Competition among Pressure Groups for Political Influence," another influential economist, Gary S. Becker, attempted to build a theory that would explain the way in which the interest groups compete among themselves, apart from the results of elections. The work of economists such as Caplan and Becker bears considerably on the arguments contained in Somin's book, giving us the framework for analyzing them. For if we develop a more accurate picture of the forces that dominate politics, we will be better equipped to gauge the role and relative importance of voter ignorance.

The political process becomes not an expression of the public will, but an instrument of special interests.

Becker notes that while the literature has "identified selfish pressure groups with democratic capitalism," other less-free systems of political economy may in fact be more vulnerable to the influence of pressure groups to the extent that such systems consign more resources to the control of the state.

Thus, as the American political economy veers from legitimate free-market principles to what Charlotte Twight labeled “participatory fascism,” worries about the sway of special-interest groups are increasingly well justified. As coercive, centralized control increases, economic success becomes — rather than a function of free and open competition — a function of effective, concerted interactions between organized interests and the holders of political power. In such a system, the electorate and their votes matter either not at all or very little; they function instead as a veneer that in fact protects and legitimizes tyranny. Distinguishing special-interest fascism from free markets, Becker writes, “This tyranny of the status quo is not the same ... as laissez faire because the political sector would protect the status quo against many shocks and changes in the private sector.”

Partisan fans

Somin's thesis, while it identifies significant infirmities in the American democratic process, may seem to underestimate the depth of the political class's control over the political-economic system, and therefore the scope of pressure groups' command of public policy. Under

that view, public opinion doesn't enjoy the weight of influence that we might otherwise expect, at least not on the decisions of policymakers and bureaucrats. On the other hand, Somin's arguments do recognize the problem of “elite manipulation of the public” and diagnose it as just another result of voter ignorance. The suggestion, one appealing to radical libertarians, is that if people only knew what the political class was up to, there's no way they would submit to it. As in George Orwell's *1984*, it is the proles who ultimately hold the power, albeit a power that lies dormant. And it remains that way, a mere untapped potential, owing to the eternal question of how to make the general population “become conscious of their own strength.” In *Democracy and Political Ignorance*, Somin offers several possible explanations for continued voter ignorance, for this failure to realize the potential of democracy.

The suggestion is that if people only knew what the political class was up to, there's no way they would submit to it.

One such explanation is what we might call partisanship as a spectator sport: There is a Blue

Team and a Red Team; both have their fans and supporters, almost all of whom care far less about specific policies and positions than about the sense that they have of their team, the feeling they get from rooting for it. Virtually identical policies are, in point of fact, treated and reacted to in opposite manners, depending on whether it is the Blue or Red team pursuing them — that is, depending on the dictates of team loyalty. Given the vagaries of the two-party political system, then, even most Americans who regard themselves as interested in and paying attention to politics are actually arriving at their positions not on the basis of consistent principle or even ideology, but rather on allegiance to the home team.

Americans who are more interested in politics, Somin observes, are actually more likely to simply collect information tending to “confirm their preexisting opinions” as against acquainting themselves with several different perspectives on a given issue. Party identification and adherence to ideology beget a willingness both to swallow patent falsehoods and to tune out verified truths, depending on whether they square with the narratives of the home team. Healthy skepticism toward the

claims of politicians and other interested parties is the first casualty of the team loyalty that is partisanship.

All of this Caplan labeled “rational irrationality,” which Somin explains as “a decision not to make an effort to carefully evaluate one’s views in an unbiased way.” As a decision either to ignore the truth or to avoid probing for it, it is irrational; but as a way of sheltering the pleasure derived from “taking part in a political ‘fan’ group,” we may regard it as rational — hence “rational irrationality.”

Virtually identical policies are reacted to in opposite manners, depending on whether it is the Blue or Red team pursuing them.

Both the theory of rational ignorance and that of rational irrationality demonstrate that there are countless opportunities for our hallowed democratic process to go awry. Reasons abound for voters to sweep aside the limited information they have at their disposal or else to allow preexisting biases to color their perception of the issues. On the other side of the electoral process, the lawmakers are no less susceptible to the problems associated with incomplete information

and imperfect interpretations of voter behavior. Remarking on the inability of politicians “to know precisely how an electoral outcome will be linked to a specific policy action,” Robert Higgs observed that “most likely the politician will behave contrary to the interests of his constituents *even if he wants to serve them faithfully*” (emphasis added). Not only, then, are the incentives created by the current democratic process problematic, but so too are the informational problems.

Foot-voting

Addressing those problems, Somin prescribes a smaller central government that leaves broader decision-making power and discretion to local jurisdictions, enabling a system in which individuals can vote with their feet. In his 2013 book *Politics on a Human Scale*, political scientist Jeff Taylor made a similar and compelling case for political decentralism as a “tool to ensure equilibrium, promote proportionality, and to obtain appropriate scale.” Taylor contends that with “government functions ... as close to the people as practicable,” citizens “are not at the mercy of an impersonal bureaucracy led by a faraway few.” With the principles of decen-

tralism operating to diffuse power — limiting the potential of government destruction and dissipation — both the Hayekian information issues and the warped incentives generated by voter ignorance are tempered. As a decentralist mechanism, the foot-voting that Somin endorses deploys the advantages of market competition to forestall undesirable public policy. Just insofar as libertarianism is in principle individualistic, it is also necessarily decentralist. In an age of gigantism, libertarians should be apt to recapture the decentralist strains in our history, to challenge the idea that social and economic progress must mean ever larger and more centralized and hierarchical institutions, whether public or private. Somin’s book successfully demonstrates that while smallness isn’t a good in and of itself, what it means in practice is increased answerability and transparency.

In an age of gigantism,
libertarians should be apt to
recapture the decentralist
strains in our history.

But while we are suggesting libertarian measures to devolve governmental powers to smaller units — those more likely to possess the

information and motivation to make good decisions — we might not stop at the states or even municipalities. If foot-voting and contracting the federal government serve to mitigate the fundamental problem with allowing some special group to arbitrarily reign over everyone else, they nevertheless stop short of striking at the root. In making the moral case for liberty, we gain nothing by genuflecting to reformist patterns, by accepting the terms of debate established by those conditioned to oppose *any* movement in the direction of individual freedom. Strategically and in principle, libertarians are at their most compelling when our arguments are uncompromising, our solutions radical. If we can persuasively defend the claim that smaller governments at more-local levels produce smarter, more-just policies, then we can even more easily defend the right of all individuals to make all the decisions about their lives — provided, of course, that they do not aggress against anyone else.

Democracy and Political Ignorance is an instructive and illuminating contribution to the libertarian discussion of American democracy,

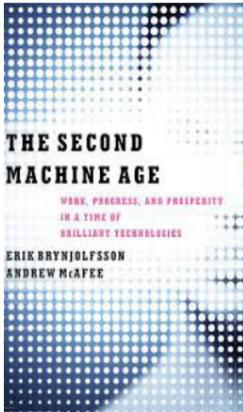
underlining both the practical difficulties of reining in the United States's powerful, centralized government and the potentialities of decentralism as a means to accountability. Practical, electoral politics is shown to be little more than a distraction and source of entertainment, with information on all sides skewed, contorted, and misinterpreted in ways that make decent public policy unattainable under present conditions. Still, lest we are too disheartened by the level of ignorance among voters or by the terrifying inertia of a massive government, we should recall the words of Benjamin Tucker: "Education is a slow process, and for this reason we must hope that the day of readjustment may not come too quickly." Ironically, when ignorance about the nature of politics and government is truly remedied, individuals will not turn to the ballot, but away from it, casting rulership in all its forms aside as a relic of a dark past.

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Nothing to Fear from New Technologies If the Market Is Free

by Kevin Carson

The Second Machine Age: Work, Progress and Prosperity in a Time of Brilliant Technologies by Erik Brynjolfsson and Andrew McAfee (W.W. Norton & Company 2014), 320 pages.



The subject of this book is the “second machine age,” in which “computers and other digital advances are doing for mental power — the ability to use our brains to understand and shape our environments — what the steam engine and its descendants did for muscle power.” The key technological building blocks for this second

machine age are already in place, even if they aren’t yet completely mature.

Although these technologies are the culmination of several decades of gradual development, they have only recently reached the threshold of a fundamental phase transition in the way the economy operates. The first part of the book is a walk-through survey of the various technologies involved in the second machine age and the reasons we’re just now approaching a phase transition.

Second-machine-age technologies are exponential. But as Ray Kurzweil has pointed out, the early states of exponential growth are deceptively modest. He uses the example of the inventor who, offered a reward by an emperor, asked that one grain of rice be placed on the first square of a chessboard, two on the second, four on the third, and continuing to double the number through all sixty-four squares. While the numbers get large in the first 32 squares, they’re still the kinds of numbers we encounter in the real world. By the inventor’s arrangement, there would be about four billion grains of rice on the 32nd square—“about one large field’s worth.” It’s on the second half of the chessboard that things get weird, with the final amount of rice

equaling the total agricultural output of many earths.

Thanks to Moore's Law, machine-age technologies have been moving from square to square every couple of years since World War II. And we're just now getting onto the second half of the chessboard, where things really take off and the elbow of the curve bends into a straight vertical line.

The new technologies are also combinatorial. Incremental improvement in the capabilities of existing technologies can bring them to the threshold of an exponential increase in their possible number of combinations. For example, Google's Chauffeur project has produced results several orders of magnitude better than previous attempts at autopiloted cars a few years back, despite the fact that the same building-block technologies existed back then. Incremental improvements in those technologies, interacting synergistically with each other, enabled an exponential increase in performance. And continuing incremental improvement in building-block technologies increases the stock of off-the-shelf technologies available for developers to recombine at will to fit particular needs.

We're rapidly approaching a range of cheap, modular, general-

purpose, off-the-shelf building-block technologies sufficient to enable a near-infinite number of custom mash-ups for any conceivable purpose.

We're rapidly approaching a range of cheap, modular, general-purpose, off-the-shelf building-block technologies.

Reading Cory Doctorow's novel *Makers*, a near-future story about open-source hardware hackers and micromanufacturing, Bruce Sterling commented that there was "hardly any engineering. Almost all of this is mash-up tinkering." It's just the recombination of modular components. But that's just the point, Doctorow responded. "It's not that every invention has been invented, but we sure have a lot of basic parts just hanging around, waiting to be configured." The result is that "we now inhabit a world where knowing something is possible is practically the same as knowing how to do it." (Doctorow, "Cheap Facts and the Plausible Premise," *Locus*, July 5, 2009.)

Murray Bookchin's essay "Toward a Liberatory Technology," written in the 1970s, quoted something Vannevar Bush had said back in 1955:

Suppose, fifty years ago, that someone had proposed a device which would cause an automobile to follow a white line down the middle of the road, automatically and even if the driver fell asleep.... [His] idea would have been called preposterous.... But suppose someone called for such a device today, and was willing to pay for it, leaving aside the question of whether it would actually be of any genuine use whatever. Any number of concerns would stand ready to contract and build it. No real invention would be required. There are thousands of young men in the country to whom the design of such a device would be a pleasure. They would simply take off the shelf some photocells, thermionic tubes, servomechanisms, relays, and, if urged, they would build what they call a bread-board model, and it would work. The point is that the presence of a host of versatile, reliable, cheap gadgets, and the presence of men who understand all their cheap ways, has rendered the building of automatic devices almost straightforward and routine.

It is no longer a question of whether they can be built, it is a question of whether they are worth building.

There was no little exaggeration in what Bush wrote almost 60 years ago. But today it is true almost beyond his (and Bookchin's) wildest imaginings.

Despite the overall benefits of the new technologies, their benefits tend to be distributed unevenly.

And with all the rest of this, throw in the fact that we're rapidly approaching — if we haven't already reached — artificial intelligence capable of running all these mash-up machineries with sufficient flexibility and discretion to replace human operators. The result will be the automation of human labor and the elimination of existing job categories to an unprecedented degree, very likely extending to the majority of work-hours and creating an enormous mass of unemployed or underemployed people.

Uneven benefits

That brings us to the next point. Despite the overall benefits of the new technologies, their benefits

tend to be distributed unevenly, leading to what the authors call a “spread” in “wealth, income, mobility, and other important measures” between those at the top and bottom. And they warn that the spread in benefits from new technology — which they view as the natural outcome of increased productivity — will accelerate as the second machine age goes on, “unless we intervene.” It generally happens that “a relatively small group of people ... earns most of the income from ... new products or services.”

Of course the new information technologies, with almost zero-marginal cost, are also destroying GDP by radically deflating prices (just look at the 40-percent drop in revenue from music sales between 2004 and 2008 alone, or the 100-percent price drop for people who now choose *Wikipedia* over *Britannica*). But how are people to buy goods and services, even drastically cheapened ones, if they don’t have any income from jobs at all?

Part of the answer is that, under the existing model of corporate-state capitalism, the goods and services are still not cheap *enough*. They’re not *allowed* to be. The main reason so many benefits of new technology are monopolized by those at the top is that the state en-

forces, well, monopolies. Economic ruling classes are able to enclose the increased efficiencies from new technology as a source of rents mainly through artificial scarcities, artificial property rights, and entry barriers enforced by the state.

And perhaps the most important of these artificial property rights is so-called intellectual property, which the authors take for granted.

Economic ruling classes are able to enclose the increased efficiencies from new technology as a source of rents.

In reality, the natural course of affairs absent such state-enforced monopolies is not for a small group to monopolize most of the income, but for market competition to socialize all of the productivity gains in the form of lowered prices.

One of the most interesting things about the new technologies of this generation — the technologies of both ephemeral, small-scale physical production and more-powerful information processing — is that their basic logic undermines the scarcity logic by which ruling classes of the past have extracted rents from society. They render large concentrations of land and

capital increasingly irrelevant, and put the potential for ownership and control of the means of production in the hands of ordinary people.

New technology today is eliminating the transaction costs for crowdsourced financing.

There's one big difference between the effect of the steam engine in the first Industrial Revolution and the effect of cybernetic technology today. All the labor-displacing and impoverishing effects of steam power resulted from the facts that (1) steam engines and the kinds of machinery that ran off them were enormously expensive, and beyond the resources of individual workers or small groups of workers to acquire; (2) the resources for purchasing such machinery had been concentrated by a long historical process of enclosure and other state-enforced expropriations of land from the peasantry to a relatively small propertied class; and (3) the transaction costs of aggregating the small individual savings of ordinary working people into capital to finance cooperative production were enormous — even when they weren't preempted or foreclosed by prohibitive state restrictions on freedom of association.

In contrast, new technology today is not only radically cheapening the means of both physical and mental production, but also eliminating the transaction costs for crowdsourced financing (or crowdfunding, defined by Oxford Dictionaries.com as “The practice of funding a project or venture by raising many small amounts of money from a large number of people, typically via the Internet”).

New technology is a source of “unemployment” for people who currently have “jobs,” rather than simply being tools for ordinary people to use to produce for their own subsistence and trade with others, if we assume the persistence of a framework in which production is carried out by “companies” that control access to the machinery. The authors cite a study which found that

companies used digital technologies to reorganize decision-making authority, incentives systems, information flows, hiring systems, and other aspects of their management and organizational processes. This coinvention of organization and technology not only significantly increased productivity but tend-

ed to require more-educated workers and reduce demand for less-skilled workers.

Note the assumption: the “company” owns the machines, decides how to organize production, and decides what workers it needs to hire to carry it out.

Obsolete assumptions

But the new production technology is making those assumptions obsolete. Let’s start instead from the assumption of a subsistence farmer. If he comes up with a new way of doing things that enables him to produce the same amount of corn with half the work, he doesn’t lament all the work that it will put him out of. That’s because he owns both the farm and the final product, and internalizes all the benefits.

“You can either compete with technology for a job, or use it to help you make a living outside of a job.”

All these predictions that big industrial companies will organize assembly lines with CNC routers, cutting tables, drill presses, and 3-D printers, with robots that transfer unfinished goods between them,

ignore one thing: the open-source versions of most of those CNC tools can be built for under \$1,000 each, and are entirely within the means of small neighborhood cooperative shops manufacturing for local barter-exchange networks in return for the output of other shops, of home microbakeries and microbreweries, surplus garden produce, babysitting and barbering, and the like. As John Robb wrote on his Twitter feed, “You can either compete with technology for a job, or use it to help you make a living outside of a job. Your choice.”

The main source of continued corporate control of the production process is all those artificial property rights such as patents, trademarks, and business licenses, that give corporations a monopoly on the conditions under which the new technologies can be used. But “intellectual property” is becoming increasingly unenforceable (take another look at that 40-percent drop in music revenue), and corporations that are going bankrupt from a collapse in aggregate demand and that will suffer from disintegration of their supply and distribution chains in the face of \$15/gallon fuel (my projection) probably aren’t going to have the resources to notice or care about garage

producers who fill in the gaps — let alone do anything about it.

And in the meantime the state barriers ordinary people face from the other direction — barriers that put an artificial floor under the cost of subsistence by criminalizing vernacular building technology (by means of building codes written by contractors) and criminalizing home-based enterprise (through zoning and occupational licensing) — will also become unenforceable as fiscally strapped local governments find themselves faced simultaneously with record homelessness and unemployment and record numbers of abandoned, foreclosed, and condemned vacant housing.

In other words, the solution is not a universal basic income or other expedient to reallocate the wealth that naturally accumulates in the hands of the few, or a Japanese-style school system to turn everyone into more-valuable corporate human resources. And it's not massive new

subsidies to “infrastructure” to make centralized, hierarchical firms serving large market areas artificially profitable (as railroad land grants and the Interstates did for mass-production dinosaur corporations). It's to destroy all the state-enforced monopolies that shift wealth to the few in the first place, prevent the re-localization of production, and give corporations control over employment.

The upshot all these wonderful new technologies that Brynjolfsson and McAfee write about — and they are wonderful! — will reach their full potential not within the framework of the existing corporate power structure, but within the new economy that arises from the ruins of this one.

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